

REMARKS

Applicant is in receipt of the Office Action mailed August 6, 2008. Claims 1-5, 7-22, 24-39, and 41-50 are rejected. Claims 1-5, 7-22, 24-39, and 41-50 remain pending in the application.

Objection to the Specification

The specification is objected to for failing to provide proper antecedent basis for the term “computer-readable storage medium” as recited in claims 18-34. Applicant respectfully traverses the objection in light of the following remarks.

Under 37 CFR § 1.75(d)(1), the “terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.” Applicant respectfully submits that the original description provides clear support and/or antecedent basis for a “computer-readable storage medium” so that the meaning of a “computer-readable storage medium” is ascertainable by reference to the description.

On page 63, lines 1-6, Applicant’s original description states:

Various embodiments may further include receiving or storing instructions and/or information implemented in accordance with the foregoing description upon a carrier medium. Suitable carrier media may include storage media or memory media such as magnetic or optical media, e.g., disk or CD-ROM, as well as transmission media or signals such as electrical, electromagnetic, or digital signals, conveyed via a communication medium such as a network and/or a wireless link.

Thus, Applicant’s specification provides clear support and/or antecedent basis for instructions stored upon a **storage medium**. In particular, Applicant’s specification provides clear support and/or antecedent basis for instructions stored upon “**storage media** or memory media such as magnetic or optical media, e.g., disk or CD-ROM” (emphasis added).

The meaning of the term “computer-readable” (e.g., in the context of describing a storage medium) is ascertainable by reference to Applicant’s description, including the passage quoted above. For example, Applicant’s specification recites “disk or CD-ROM” as two examples of storage media that are clearly computer-readable. The meaning of the term “computer-readable” (e.g., in the context of describing a storage medium) is also ascertainable by reference to numerous other elements of Applicant’s specification (e.g., Figures 1 through 3 and the corresponding description). For example, Figure 3 illustrates a hard drive 208 and a memory 304 that are included on a computer blade 105 with a CPU 306.

Accordingly, withdrawal of the objection to the specification is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1-5, 9, 11-15, 18-22, 26, 28-32, 35-39, and 43-48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Colyer et al. (U.S. Patent No. 6,151,621, hereinafter “Colyer”) in view of Llewellyn et al. (U.S. Patent Application Publication No. 2003/0061279, hereinafter “Llewellyn”) and further in view of Andrews et al. (U.S. Patent Application Publication No. 2003/0217094, hereinafter “Andrews”). Claims 7, 8, 16, 17, 24, 25, 33, 34, 41, and 42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Colyer, Llewellyn, and Andrews and further in view of Butler (U.S. Patent No. 6,584,493). Claims 10 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Colyer, Llewellyn, and Andrews and further in view of Harple et al. (U.S. Patent No. 6,195,091, hereinafter “Harple”). Applicant respectfully traverses the rejections in light of the following remarks.

To establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Appellants respectfully submit that the

cited references, taken individually or in combination, would not produce all the limitations recited in the claims. In particular, Applicant respectfully submits that the cited references, taken individually or in combination, do not teach or suggest a method for providing a plurality of collaborative sessions in a networked computing environment, the method comprising “automatically determining that no existing instance of the application type of the collaborative application is running on the second computer system; automatically instantiating a second instance of the collaborative application on the second computer system in response to determining that no existing instance of the application type of the collaborative application is running on the second computer system” as recited in claim 1.

The Examiner cites Andrews as disclosing the quoted limitations. Andrews discloses a correlation framework including a message routing component. On receipt of a message, the system retrieves a schema associated with a type of business process and identifies a correlation set associated with the message. The system can create instance data corresponding to the business process after determining that instance data does not exist (see, e.g., paragraph [0064]). However, Andrews does not teach or suggest automatically determining that no existing instance of the application type of the collaborative application is running on the second computer system. Additionally, Andrews does not teach or suggest automatically instantiating a second instance of the collaborative application on the second computer system in response to determining that no existing instance of the application type of the collaborative application is running on the second computer system.

The cited references, taken individually or in combination, thus fail to teach or suggest all the limitations of claim 1. Even assuming, *arguendo*, that all the limitations of claim 1 are taught by the cited references, it would not have been obvious to one having ordinary skill in the art at the time of the invention to combine Colyer, Llewellyn, and Andrews to produce the limitations of claim 1. In particular, Andrews relates to a message forwarding system involving a sender and a recipient while Colyer relates to a centralized, server-based conferencing system involving a server and multiple clients.

For at least the reasons discussed above, Applicant respectfully submits that independent claims 1, 9, 18, 26, 35, and 43 are patentably distinct from the cited references. The dependent claims are patentably distinct for at least the same reasons as their respective independent claims. Examples of dependent claims reciting further distinctions over the cited references are discussed as follows.

Applicant respectfully submits that the cited references, taken individually or in combination, do not teach or suggest a method “wherein the collaborative data is sent from the first computer system to the second computer system and one or more additional computer systems using multicast peer-to-peer messaging” as recited in claim 7. The Examiner argues that Butler discloses a conferencing system that is end-hosted and wherein data is transmitted in a peer-to-peer fashion. The Examiner further argues that it would have been obvious to one having ordinary skill in the art at the time of the invention to combine Colyer, Llewellyn, Andrews, and Butler to produce the limitations of claim 7 and the base claim 1. However, Colyer discloses a conferencing system that is not peer-to-peer but instead centralized using a server computer to yield an advantage that is “particularly lacking in peer-to-peer systems” (see, e.g., col. 4, lines 49-52). Applicant respectfully submits that Colyer therefore teaches away from the modification of Colyer as suggested by the Examiner. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time of the invention to combine Colyer, Llewellyn, Andrews, and Butler to produce the limitations of claim 7 and the base claim 1. Claim 7 is thus believed to be patentably distinct. Claims 16, 24, 33, and 41 are believed to be patentably distinct for at least the same reasons.

For similar reasons as those discussed with respect to claim 7, Applicant respectfully submits that the cited references, taken individually or in combination, do not teach or suggest a method “wherein the collaborative data is sent from the first computer system to the second computer system and one or more additional computer systems using broadcast peer-to-peer messaging” as recited in claim 8. Claim 8 is thus believed

to be patentably distinct. Claims 17, 25, 34, and 42 are believed to be patentably distinct for at least the same reasons.

Accordingly, Applicant respectfully requests withdrawal of the § 103(a) rejections.

CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5602-11700/JCH.

Also filed herewith are the following items:

- ☐ Request for Continued Examination
- ☐ Terminal Disclaimer
- ☐ Power of Attorney By Assignee and Revocation of Previous Powers
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,

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